

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 4:06-CR-20436-4FL

vs.

HON. PAUL V. GADOLA
MAG. JUDGE STEVEN D. PEPE

HELEN RENE JACKSON,,

Defendant.

_____ /

ORDER OF DETENTION
PENDING REVOCATION PROCEEDINGS

The Defendant appeared before the Court on July 16, 2007, based upon a Petition and Warrant for violation of her conditions of supervised release, filed on July 10, 2007.

The Defendant is charged with violation of Standard Condition Number 7 by using Cocaine in May and June of 2007, and for testing positive for the use of cocaine on 5 different occasions.

The report of the Probation Officer in this matter indicates that the Defendant began her term of supervised release on March 19, 2007.

On July 10, 2007, this Court issued a warrant for a Supervised Release Violation. Ms. Jackson was arrested on July 16, 2007, when she arrived for her meeting with her probation officer. A hearing was held on that date and probable cause was found that Petitioner did violate her probation through cocaine use. Ms. Jackson denied failing to take her medication. While Ms. Collins from Phinisee Outreach Shelter for Women appeared and offered her assistance to assure Defendant's appearance and no further drug usage, Ms. Collins leaves the unsecured facility after 11:00 PM at night. Defendant also became upset and resistant for a period after notice she was being arrested for violation of supervision.

I find the credible testimony and information submitted at the hearing establishes by a preponderance of the evidence that Fed. R. Crim. P.46(d), 32.1(a)(6) and 18 U.S.C. Sec 3143(a) place the burden on the Defendant facing a supervised release violation to demonstrate by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released pending a hearing on the supervised release violation revocation hearing. Based on the facts presented, Defendant Jackson has failed to meet this burden by a clear and convincing showing she would not flee or again use drugs.

Accordingly, the Defendant shall be detained without bond in this matter pending further proceedings before the district court judge.

The Defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: July 17, 2007

s/Steven D. Pepe
Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send such notification of such filing to the following: Mark C. Jones, AUSA, David Koelzer, Federal Defender Office, and I hereby certify that I have mailed by United States Postal Service/hand delivered the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, Michigan 48502, Probation Officer, 600 Church St., Flint, Michigan 48502

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peltier@mied.uscourts.gov